

you better get on the ball. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Go to LB 291.

CLERK: Mr. President, LB 291 offered by Senators Morehead, Remmers and Barrett. (Read.) The bill was first read on January 14 of this year, referred to the Urban Affairs Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SENATOR CLARK: Senator Morehead, on the bill.

SENATOR MOREHEAD: Mr. President, members of the Legislature, I am offering LB 291 in behalf of a city in my district, Fairbury. LB 291 addresses the problems of cities where because of a decrease in population their classification changes from a first class city to a second class city. Fairbury, Nebraska, which as I have indicated is in my legislative district, was the only first class city in Nebraska which decreased in population below 5,000 and became a city of a second class. However, other municipalities will be addressing these same issues in the future. The municipal officials and the safety employees of Fairbury have requested this legislation. Present laws require that first class cities have Civil Service Commissions and provide a pension if such a city has a full paid fire or police department or a fire and police department having paid members. These Civil Service and pension provisions for first class city police and fire fighters do not address the status of a Civil Service Commission and pension plan when this first class city decreases in population to less than 5,000 and, therefore, is no longer classified as a first class city under Nebraska law. The Supreme Court of Nebraska has consistently held that municipal corporations possess and can exercise only those statutory powers that are expressed, implied or necessary to affectuate their corporate powers. Since the drafters of the present law did not anticipate a population decrease resulting in a first class city becoming a second class city, enabling legislation is necessary to address the status of the Civil Service Commission and the pension benefits under these circumstances. As indicated, LB 291 would amend Section 19-1801 of the Nebraska statutes to provide that such a population reduction would require the Civil Service Commission to be continued for at least two years and thereafter at the option of the local governing body. The bill also would amend Section 19-3501 to protect the benefits of the police